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May 22, 2020

Via Electronic Filing

The Honorable Magistrate Judge Steven Tiscione
U.S. District Court Eastern District of New York
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Chincha v. Patel*
Case No.: 1:17-cv-06127-ILG-ST

Dear Honorable Judge Tiscione:

This law firm represents Defendant Manojkumar Patel (the “**Defendant**”) in the above-referenced action.

Pursuant to Your Honor’s Individual Motion Practice Rules III(A), and pursuant to Local Civil Rules 37.3, this letter respectfully serves as a request to compel Plaintiff to appear for his deposition on: (i) Tuesday, June 16th, 2020; (ii) Wednesday, June 17th, 2020; or (iii) Friday, June 19th, 2020.

On June 1, 2020, the undersigned emailed Plaintiff’s counsel to schedule his client’s attendance for a deposition and advised him that the undersigned could accommodate any one of the three abovementioned dates. Plaintiff’s counsel did not respond to the June 1, 2020 email. The undersigned emailed Plaintiff’s counsel again on June 4, 2020. Plaintiff’s counsel did not respond to the June 4, 2020 email.

After the undersigned emailed Plaintiff’s counsel a third time on June 5, 2020, Plaintiff’s counsel responded by stating that his office will not be producing Plaintiff in light of an anticipated motion for reconsideration Plaintiff’s counsel intends to file regarding Your Honor’s May 28, 2020 Order [Dckt. No. 66].

We are filing this letter to reserve our right to hold Plaintiff’s deposition. We, respectfully, request the Court’s guidance in order to conclude discovery.

The undersigned certifies that he has made a good faith effort, pursuant to Local Civil Rule 26.4 and FRCP 37(a)(1), to resolve the instant dispute, by contacting Plaintiff’s via multiple emails.

Thank you, in advance, for your time and attention.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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Cc: All Parties via ECF